

*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 10, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-25773 - APPLICANT: EXCEED PROPERTIES, INC. -
OWNER: EXCEED PROPERTIES, INC., ET AL**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-25776), Variance (VAR-25778), and Special Use Permits (SUP-25775 and SUP-25779) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 11/27/07, except as amended by conditions herein.
4. A Waiver from Title 19.08.060 Residential Adjacency Requirements is hereby approved, to allow a residential adjacency setback of 60 feet where 510 feet is the minimum required at the northeast corner of the property.
5. A Waiver from Title 19.08.060 Residential Adjacency Requirements is hereby approved, to allow a residential adjacency setback of 101 feet where 1,105 feet is the minimum required at the west property line.
6. A Waiver from LVMC 19.12.040 is hereby approved, to allow a perimeter landscape buffer of zero feet along a portion of the north property line and five feet along the eastern property line where eight feet are required.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

RTS

SDR-25773 - Conditions Page Two
January 10, 2008 - Planning Commission Meeting

9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
15. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
16. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
17. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's.

SDR-25773 - Conditions Page Three
January 10, 2008 - Planning Commission Meeting

18. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
19. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

20. Dedicate a 25-foot radius on the northeast corner of 6th Street and Sahara Avenue prior to the issuance of any permits.
21. Coordinate with the City Surveyor to determine whether a Merger and Re-Subdivision Map or other map is necessary; comply with the recommendations of the City Surveyor.
22. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
23. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
24. The proposed driveways accessing this site from Sahara Avenue and 6th Street shall be designed, located and constructed in accordance with Standard Drawing #222a. The driveway accessing Sahara Avenue shall receive approval from the Nevada Department of Transportation.
25. Prior to the submittal of construction drawings, applicant shall demonstrate to the satisfaction of the City Traffic Engineer that the proposed angled parking areas off of 6th Street can meet public standards and will not adversely impact the public right-of-way.
26. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Sahara Avenue public right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

SDR-25773 - Conditions Page Four
January 10, 2008 - Planning Commission Meeting

27. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
28. Submit a sewer connection plan and a sewer abandonment plan for all existing sewer lines to the Collection System Planning Section of the Department of Public Works prior to the issuance of any permits. Comply with the recommendations of the Collection System Planning Section. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
29. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.
30. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction drawings or the submittal of a map for this site, whichever may occur first. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

SDR-25773 - Conditions Page Five
January 10, 2008 - Planning Commission Meeting

31. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

SDR-25773 - Staff Report Page One
January 10, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Site Development Plan Review for a proposed 43-story mixed-use development that includes 179,860 square feet of commercial area and 1,105 residential condominium units on 6.34 acres adjacent to the northeast corner of Sixth Street and Sahara Avenue. The commercial square-footage is divided into 10,660 square feet of retail which fronts towards Sahara Avenue and 169,200 square feet of office space that will occupy the space on the second through seventh floors.

The applicant indicates that the proposed project is an opportunity to promote additional redevelopment and more intense land uses downtown by furthering to restore vitality, economic opportunities, and giving an overall direction to future public and private improvements throughout the area. The proposed development and potential uses are permitted in the proposed/existing C-1 (Limited Commercial) zoning district. However, the need for a Variance (VAR-25778) and waivers addressed in this request indicate that the scope and scale of the proposed development is too intense and not compatible with the surrounding area. Further, the proposed development is not in keeping with the goals and strategies as outlined in the Beverly/Southridge Neighborhood Plan and denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/04/92	The City Council approved the appeal of the Planning Commission denial of a request for a Rezoning (Z-0107-91) from R-1 (Single Family Residential) and C-1 (Limited Commercial) to R-PD40 (Residential Planned Development – 40 Units per Acre) on 3.3 acres located on the east side of 6th Street north of Sahara Avenue. The request included a deviation from the five-acre minimum site area for an R-PD project (this now requires a variance). The City Council placed a condition on the approval restricting the rezoning to R-PD25 (Residential Planned Development – 25 Units per Acre) with a maximum of 84 units. A General Plan Amendment was not required. The Rezoning was subject to a 12-month Resolution of Intent. Staff recommended approval of the Rezoning on condition that it be restricted to R-PD36 (Residential Planned Development – 36 Units per Acre).
07/15/92	The City Council approved a Plot Plan Review [Z-0107-91(1)] for a proposed two-story, 84-unit condominium development on 3.3 acres on the east side of 6th Street north of Sahara Avenue. Staff recommended approval. (There was no Planning Commission hearing.)

SDR-25773 - Staff Report Page Two
January 10, 2008 - Planning Commission Meeting

07/23/92	The Planning Commission approved a Tentative Map (TM-0045-92) for an 84-unit condominium subdivision (Sixth Street Condominiums) on 3.3 acres located on the east side of 6th Street north of Sahara Avenue. Staff recommended approval.
10/22/92	The Planning Commission approved a name change [TM-0045-92(1)] of an approved Tentative Map (TM-0045-92) from Sixth Street Condominiums to Sahara Courtyards Condominiums. Staff recommended approval. The Planning Commission subsequently approved the Final Map (FM-0085-92) of Sahara Courtyards Condominiums. This map recorded on 05/21/93.
04/21/93	The City Council approved a Special Use Permit (U-0031-93) to allow the sale of beer and wine within an existing restaurant at 600 East Sahara Avenue. The Board of Zoning Adjustment and staff recommended approval.
04/14/94	The Planning Commission approved a Plot Plan Review [Z-0107-91(2)] for a proposed two-story, 84-unit condominium development (12 buildings) on 3.3 acres on the east side of 6th Street north of Sahara Avenue. Staff recommended approval.
07/14/94	The Planning Commission approved an Amended Final Map [FM-0085-92(1)] for Sahara Courtyards Condominiums on 3.1 acres on the east side of 6th Street north of Sahara Avenue. The purpose of amending the map was to change the configuration of condominium units. The map was never recorded.
08/06/03	The City Council passed R-108-2003 adopting the Beverly Green/Southridge Neighborhood Plan.
08/04/04	The City Council tabled a request for a General Plan Amendment (GPA-4332) to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to M (Medium Density Residential) on 3.16 acres on the east side of 6th Street, approximately 360 feet north of Sahara Avenue. The Planning Commission and staff recommended approval.
01/13/05	The Planning Commission voted to Withdraw Without Prejudice a request for a General Plan Amendment (GPA-5661) to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to H (High Density Residential) on 3.2 acres on the east side of 6th Street, approximately 360 feet north of Sahara Avenue. Staff recommended denial.
01/10/07	Companion items for a Rezoning (ZON-25776), a Variance (VAR-25778), and two Special Use Permits (SUP-25775 and SUP-25779) will be heard concurrently with this item.
<i>Related Building Permits/Business Licenses</i>	
Prior to 01/01/51	A business license, L11-00001, for a Beer Wine Cooler On-Off Sale category license for 610 East Sahara Avenue, Suite 2 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 01/24/02 due to a reclassification of the license type.
Prior to 01/01/51	A business license, C15-00281, for a Convenience Store category license for 610 East Sahara Avenue, Suite 2 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 01/29/02 due to a reclassification of the license type.

SDR-25773 - Staff Report Page Three
January 10, 2008 - Planning Commission Meeting

Prior to 01/01/51	A business license, L16-00042, for a Tavern category license for 620 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 11/18/02 due to a change of manager. *
Prior to 01/01/51	A business license, R09-00027, for a Restaurant - Seating 45 or More category license for 620 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 12/13/02. *
Prior to 01/01/51	A business license, R23-00009, for a Recreational Instruction or Lessons category license for 610 East Sahara Avenue, Suite 11 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 02/12/03 due to a reclassification of the license type. *
Prior to 01/01/51	A business license, C05-00904, for a Tobacco Dealer - Retail category license for 610 East Sahara Avenue, Suite 2 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 02/12/03 due to a reclassification of the license type.
Prior to 01/01/51	A business license, R09-00070, for a Restaurant - Seating 45 or More category license for 600 East Sahara Avenue was issued by the Department of Finance and Business Services. This license was reissued on 10/01/03 due to a misplaced original. *
02/02/89	A building permit application, plan check M-0162-89, was submitted for the site. This was for a plan check review for an interior remodel of an existing restaurant at 600 East Sahara Avenue. This permit (89018670) was reviewed and approved by the Planning and Development Department on 02/02/98 and issued by the Building and Safety Department 03/22/89. This permit received a final inspection on 04/06/89.
05/17/89	A business license, B08-00846, for a Beauty/Cosmetics Sales category license for 610 East Sahara Avenue, Suite 6 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 12/04/02 due to a reclassification of the license type.
02/01/90	A business license, B04-01032, for a Barber Shop category license for 610 East Sahara Avenue, Suite 5 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 02/02/90 and reissued on 04/15/98 due to a change of suite numbering.
09/11/91	A business license, C11-04092, for a Masonry Contractor category license for 604 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 09/13/91 and reissued on 02/27/97. A "Cease and Desist" notice was issued 03/15/06. *
04/21/93	A business license, L09-00087, for a Beer Wine Cooler On Sale category license for 600 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 06/01/93 and reissued on 10/02/03 due to a misplaced original. *

SDR-25773 - Staff Report Page Four
January 10, 2008 - Planning Commission Meeting

07/21/97	A business license, B05-02665, for a Cosmetological Establishment category license for 610 East Sahara Avenue, Suite 6 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 07/29/97 and reissued on 04/15/98 due to a change of suite numbering.
01/20/99	A business license, A01-01074, for an Administrative Office category license at 610 East Sahara Avenue, Suite 1 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 01/29/99. *
10/18/00	A business license, F14-00035, for an Auto Title Loans category license for 610 East Sahara Avenue, Suite 10 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 10/31/00 and reissued on 11/30/07 due to a change of ownership. *
09/07/01	A business license, R10-00045, for a Food Caterer category license for 600 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 09/27/01 and reissued on 12/17/02 due to a misplaced original. *
01/12/04	A business license, M09-00080, for a Mail Box Center category license for 610 East Sahara Avenue, Suite 7 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 01/15/04. *
12/17/04	A business license, M01-08415, for a Maintenance Services - Janitorial category license for 610 East Sahara Avenue, Suite 7 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 12/23/04 and reissued on 02/09/05. *
12/23/04	A business license, C07-03299, for a Clothing Store category license for 610 East Sahara Avenue, Suite 13 was processed in by the Department of Finance and Business Services. This license was approved by the Planning and Development Department on 05/20/05 and issued by Business Services on 06/21/05.
05/02/05	A business license, A04-00084, for an Advertising Space Leasing or Selling category license for 610 East Sahara Avenue, Suite 7 was processed in by the Department of Finance and Business Services. This license was approved by the Planning and Development Department on 05/09/05 and issued by Business Services on 05/10/05.
06/23/06	A building permit application, plan check L-0889-06, was submitted for the site. This was for a plan check review for a tenant improvement (stone entry/floor plan remodel) for a certificate of occupancy at 620 East Sahara Avenue. This permit (07000608) was reviewed and approved by the Planning and Development Department on 07/10/06 and issued by the Building and Safety Department 02/15/07. A revision of the architectural, plumbing, and electrical drawings were reviewed and approved 03/19/07. This permit received a final inspection on 05/15/07.

SDR-25773 - Staff Report Page Five
January 10, 2008 - Planning Commission Meeting

10/30/07	A business license, C21-00192, for a Check Cashing Service category license for 610 East Sahara Avenue, Suite 10 was processed in by the Department of Finance and Business Services. This license was approved by the Planning and Development Department on 11/16/07 and issued by Business Services on 11/30/07.
<i>Pre-Application Meeting</i>	
11/16/07	<p>A pre-application meeting was held, where submittal requirements and elements of this application were discussed. Specifically, staff listed and described several major issues with the project as follows:</p> <ul style="list-style-type: none"> • Of primary concern is the multiple General Plan designations over the site (C, SC and L) and whether the full site would be included in the Downtown Redevelopment Area when it is all reverted to one parcel. The applicant was advised to submit a General Plan Amendment for the SC (Service Commercial) and L (Low Density Residential) parcels while an answer was sought. • A Waiver of residential adjacency standards must be requested as a part of the Site Development Plan Review application. • A Merger and Resubdivision map would need to be recorded prior to issuance of permits. • NDOT approval is required for any driveway on Sahara. • Subterranean parking was an issue, due to the high water table in the area and the expense of digging through hard caliche. • The applicant was informed of the strict time limits on any future Tentative Map approvals—project must be completed within two years or a new map must be submitted. • A Development Impact Notice and Assessment and Project of Regional Significance questionnaire must be completed, signed and submitted as part of the submittal package. • A neighborhood meeting is required if a General Plan Amendment application is submitted; however, a meeting was recommended even if no amendment is submitted. • The area on the site plan labeled “Central Plant” needed to be more detailed for the submittal.
<i>Neighborhood Meeting</i>	
<p>A neighborhood meeting is not required for this application, nor was one held. The applicant has indicated that several informal meetings with nearby residents have been conducted.</p> <p>NOTE: The applicant has indicated that they are planning to hold an optional meeting for neighborhood residents prior to the 01/10/08 Planning Commission meeting; however, as of 12/26/07, no meeting date has been set.</p>	

SDR-25773 - Staff Report Page Six
January 10, 2008 - Planning Commission Meeting

- * This business license has been issued with no indication that it was reviewed or approved by the Planning and Development Department.

Field Check	
12/06/07	The Department of Planning and Development conducted a site visit that found that the south side of the site is developed with a shopping center and two restaurant pads. There is a large mobile storage container in the parking lot area of the shopping center. A low wall with an approximately eight-foot wrought iron fence is located along the north property line of the shopping center. Along 6th Street to the north is a radio station, also with a mobile storage container in the parking area. The rest of the site is undeveloped, except for a private street that is an extension of the road servicing several office buildings to the east of the subject site. This street terminates in a cul-de-sac with an arm jutting out. Cut-through traffic across the site from 6th Street to this private street was observed, although there are no curb cuts on 6th Street except at the radio station.

Details of Application Request	
Site Area	
Net Acres	6.34

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
	Undeveloped (w/ full cul-de-sac terminus)	SC (Service Commercial)	R-PD25 (Residential Planned Development – 25 Units per Acre)
	Radio Broadcasting	SC (Service Commercial)	R-1 (Single Family Residential)
North	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential)
	Undeveloped	L (Low Density Residential)	R-1 (Single Family Residential)
	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Auto Repair	CT (Commercial Tourist – Clark County Designation)	C-2 (General Commercial – Clark County Designation)
	Multi-Family Residential	CT (Commercial Tourist – Clark County Designation)	H-1 (Limited Resort and Apartment – Clark County Designation)

SDR-25773 - Staff Report Page Seven
January 10, 2008 - Planning Commission Meeting

East	Restaurant	C (Commercial)	C-1 (Limited Commercial)
	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
	Undeveloped (w/ partial cul-de-sac terminus)	C (Commercial)	C-1 (Limited Commercial)
	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Auto Parts (New and Rebuilt)	SC (Service Commercial)	C-1 (Limited Commercial)
	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Beverly Green/Southridge Neighborhood Plan	X		N *
Redevelopment Plan Area	X		Y **
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 Feet)	X		N ***
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment	X		Y ****
Project of Regional Significance	X		Y ****

* The proposed project does not reflect Strategy 1 as outlined under Issue 2 of the Existing Land Uses section of The Beverly/Southridge Neighborhood Plan which requests: “any development whose building foundation is within 300’ of property zoned for a single-family residential home be required to adhere to Title 19.08.060 Residential Adjacency Standards.”

** Only one of the subject site’s parcels (162-03-801-099), which contains existing retail and commercial uses, is located within the Downtown Redevelopment Area.

*** The proposed height of the residential tower, 500 feet, exceeds the height limitation of 175 feet for this area established by the McCarran International Airport Overlay Map portion of A-O (Airport Overlay) District. A companion Special Use Permit (SUP-25775) has been submitted pursuant to Title 19.06.080 and if approved would grant relief from the height limitation.

SDR-25773 - Staff Report Page Eight
January 10, 2008 - Planning Commission Meeting

**** Pursuant to Ordinance No. 5227, the project under review outlines a project that meets the threshold that defines a “Project of Significant Impact” as outlined in the ordinance for a development in excess of 500 residential units. Further, pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance,” as there are requests for Special Use Permits within 500 feet of the City’s boundary with unincorporated Clark County. Two Special Use Permits are requested in conjunction with this project. The applicant has prepared and submitted, as part of the overall project submittal, an impact report as required by the Ordinances for referral to affected agencies. As of 12/26/07, comments have only been received from the following agencies:

- The Collection Systems Planning section of the city of Las Vegas Department of Public Works comments that in respect to wastewater, the developer of this project shall provide a sewer connection & abandonment plan of any existing sewer lines within this project to the Collection Systems Planning section of The City of Las Vegas per Section 10 of the Development Impact Notice and Assessment (DINA).
- The City of Las Vegas Flood Control Section of the Department of Public Works will require a technical drainage study as an “if approved” condition as a part of this review.
- The Metropolitan Police Department has determined that the proposed project has the potential to increase calls for service and increase response times in the Downtown Area Command.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	n/a	276,170 SF	n/a
Min. Lot Width	100 Feet	306 Feet	Y
Min. Setbacks			
• Front	20 Feet	30 Feet	Y
• Side	10 Feet	52 Feet	Y
• Corner	15 Feet	41 Feet	Y *
• Rear	20 Feet	48 Feet	Y *
Max. Lot Coverage	50%	46%	Y
Max. Building Height	n/a	500 Feet (43-Stories)	n/a
Trash Enclosure	Gated and Screened	Enclosure (A part of the building, access from east service drive)	Y
Mech. Equipment	Screened	Screened	Y

SDR-25773 - Staff Report Page Nine
January 10, 2008 - Planning Commission Meeting

- * The setback complies with C-1 (Limited Commercial) district standards, but does not comply with Residential Adjacency setbacks.

Pursuant to Title 19.08.060, the following residential adjacency standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope (Northeast Corner)	510 Feet	50 Feet	N *
3:1 proximity slope (West Side of Property)	1,500 Feet	101 Feet	N *
Adjacent development matching setback	15 Feet	>15 Feet	Y
Trash Enclosure	50 Feet	>50 Feet	Y

- * A waiver has been requested as a part of this review that if approved it would allow a residential adjacency setback of 50 feet where 510 feet would be required to meet the 3:1 Proximity Slope standard at the northeast corner of the site and 101 feet where 1,500 feet would be required to meet the 3:1 Proximity Slope standard at the west side of the site. This would grant relief from the city standards.

Pursuant to Title 19.10 and 19.12, the following landscaping and open space standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree / 6 Spaces	2 Trees *	2 Trees	Y
Buffer:				
Min. Trees	1 Tree / 20 Linear Feet	79 Trees	45 Trees	N **
	1 Tree / 30 Linear Feet	26 Trees	27 Trees	Y
TOTAL		105 Trees	72 Trees	N **
Min. Zone Width	15 Feet – ROW		>15 Feet	Y
	8 Feet – Interior Lot Line		Zero Feet	N ***
Wall Height	6 Feet		6 Feet	Y

- * Parking is provided for 2,496 vehicles, but only 10 spaces are uncovered surface parking spaces. This calculation is based only on the open parking lot spaces.
- ** There is limited area for trees within the perimeter landscape buffers along the west side of the property adjacent to South 6th Street due to the multiple driveway access points.
- *** A waiver has been requested as a part of this review that if approved would grant relief from the city standards for perimeter landscape buffers.

SDR-25773 - Staff Report Page Ten
January 10, 2008 - Planning Commission Meeting

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Commercial, Other Than Listed	10,660 SF	1 Space / 175 SF	59 Spaces	2 Spaces	59 Spaces	2 Spaces	Y
Office, Other Than Listed	169,200 SF	1 Space / 300 SF	553 Spaces	11 Spaces	553 Spaces	11 Spaces	
Condominium	780 Units	1.25 Spaces /1 Bedroom Unit	959 Spaces	16 Spaces	959 Spaces	18 Spaces	Y
	195 Units	1.75 Spaces /2 Bedroom Unit	337 Spaces	4 Spaces	337 Spaces	5 Spaces	Y
	130 Units	2 Spaces / 3 Bedroom Unit	257 Spaces	3 Spaces	257 Spaces	4 Spaces	Y
	1,105 Units	1 Space / 6 Units	179 Spaces	6 Spaces	179 Spaces	7 Spaces	Y
Sub-total	179,860 SF /1,105 Units		2,344 Spaces	42 Spaces	2,449 Spaces	47 Spaces	Y *
TOTAL (including handicap)	179,860 SF /1,105 Units		2,386 Spaces		2,496 Spaces		Y
Loading Spaces	179,860 SF	3 Spaces at 50,000 SF + 1 Space for each added 100,000 SF	4 Spaces		4 Spaces (Truck Dock Spaces)		Y

* The parking analysis included as a part of the site plan indicates that there will be 105 parking spaces in excess of the Title 19 requirements but does not specifically allocate these spaces to any particular use.

Waivers		
Request	Requirement	Staff Recommendation
To provide a zero-foot wide perimeter landscape buffer along a portion of the interior property line at the north	8 FT	Denial

SDR-25773 - Staff Report Page Eleven
January 10, 2008 - Planning Commission Meeting

To provide a five-foot wide perimeter landscape buffer along the interior property line at the west.	8 FT	Denial
To allow a residential adjacency setback of 50 feet.	The 3:1 proximity slope would require a setback of 510 feet from the northeastern corner of the property.	Denial
To allow a residential adjacency setback of 101 feet.	The 3:1 proximity slope would require a setback of 1,500 feet from the western property line.	Denial

ANALYSIS

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as SC (Service Commercial) on the northern portion. This category allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The SC (Service Commercial) category may also allow mixed-use development with a residential component where appropriate. The southern portion of the project site is designated as C (Commercial) on the Redevelopment Plan Area Map of the General Plan. This category allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) General Plan land use categories. The proposed use is in conformance with these land use designations.

There is a Rezoning (ZON-25776) proposed to change the zoning of the northern portion of the project site from an R-1 (Single Family Residential) and R-PD25 (Residential Planned Development – 25 Units per Acre) zoning districts to a C-1 (Limited Commercial) zoning district. This would bring the entire project area into a single C-1 (Limited Commercial) zoning district. The existing radio broadcasting and retail uses are permissible in a C-1 (Limited Commercial) zoning district and the proposed mixed-use development is permissible with the approval of this request and would then be consistent with the existing SC (Service Commercial) and C (Commercial) General Plan designations.

The site is within the McCarran International Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed height of the tower, 500 feet, exceeds the height limitation of 175 feet for this area. A Special Use Permit (SUP-25775) has been submitted pursuant to Title 19.06.080 and if approved would grant relief from the height limitation.

SDR-25773 - Staff Report Page Twelve
January 10, 2008 - Planning Commission Meeting

As previously noted, the southern portion of the subject site is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed use is in conformance with the Redevelopment Plan.

Further, the site is within the Beverly/Southridge Neighborhood Plan area at the southern edge of the plan boundaries. The neighborhood plan is intended to serve as a set of guiding principles for the area. The proposed project does not reflect Strategy 1 as outlined under Issue 2 of the Existing Land Uses section of The Beverly/Southridge Neighborhood Plan which requests “any development whose building foundation is within 300’ of property zoned for a single-family residential home be required to adhere to Title 19.08.060 Residential Adjacency Standards.” This strategy is mainly a response to a concern regarding potential negative impacts a high rise structure may cause if built in the area with the goal being to “actively oppose any negative aesthetic effects a high rise structure may pose to the neighborhood.” There is a request for a waiver of the residential adjacency standards as a part of this review that exemplifies how the proposed development does not meet the intent of the neighborhood plan with regard to the building’s proposed height in relation to the neighboring single family residential homes.

The site encompasses multiple parcels with a proposed building built across the lot lines. As it is the stated intention of the applicant to create a mixed-use subdivision, there will need to be a tentative map review and final map technical review for a merger and resubdivision of the site prior to any building permits being issued.

- **Site Plan**

The site plan is in compliance with the standards of the existing/proposed C-1 (Limited Commercial) zoning district, however, it does not meet the residential adjacency standards for a commercial development adjacent to single family residential property. This location will consist of 500-foot high mixed-use development that incorporates a multi-level office use, street level retail at Sahara Avenue and 1,105 residential units.

The site is located at the northeast corner of South 6th Street and East Sahara Avenue. The site consists of an undeveloped master condominium parcel, an undeveloped residential parcel, and three developed parcels (two of which contain a radio broadcast facility and parking lot and one which contains a retail center). The site plan illustrates a single mixed-use building with a residential tower massed towards Sahara Avenue above the eighth floor amenity level. The bulk of the building, the thirteenth floor and below is one building mass that is intended to house the parking, office use, back-of-house and residential amenity rooms, ground floor retail and residential entryways. The ground level commercial fronts towards Sahara Avenue and is accessed from a pedestrian plaza and enhanced sidewalk.

The site plan indicates that 2,496 parking spaces will be provided within the subterranean and above ground parking structure that makes up the basement and second through seventh

SDR-25773 - Staff Report Page Thirteen
January 10, 2008 - Planning Commission Meeting

floors of the building. The parking provided for this development is greater than the 2,386 parking spaces required by code. The garage parking is accessed off of South 6th Street either via the down ramps off of the main entrance drives situated towards the south and north ends of the building or from the up ramp situated in between the two small (five space) surface parking lots positioned towards the middle of the development's west side.

- **Waivers**

The applicant has requested a waiver of the perimeter landscape buffer requirements. Specifically, the request is to provide no perimeter buffer for a small segment at the north property line and a reduced the perimeter buffer width (five feet where eight is required) along the east property line.

There is also a waiver requested to allow deviations from residential adjacency standards. While, this type of deviation is usually a variance, Code allows mixed-use developments that contain a significant residential element to waive this standard. The waiver would allow a residential adjacency setback of 50 feet where 510 feet would be required to meet the 3:1 Proximity Slope standard at the northeastern corner of the site and 101 feet where 1,500 feet would be required to meet the 3:1 Proximity Slope standard along the west side of the property. Denial of these waiver requests is recommended.

- **Landscape Plan**

The landscape plan depicts adequate landscape buffer widths at the southern and western perimeter of this site. A waiver has been requested as a part of this review to allow the perimeter landscape buffer to be reduced from eight feet to five feet on the east side and a portion of the buffer area is requested to be zero feet where eight feet is required on the north side.

The perimeter landscape buffers are depicted as having a minimum 24-inch box tree planted at 20 feet on center where adjacent to or across the street from residential property and 30 feet on center where adjacent to commercial property. Due to the various drive entrances and exits there is a limited number of trees in the perimeter landscape buffer along the west side of the project site. The surface parking area is divided into two, five space lots that each has a tree at the ends of the parking row.

The landscape plan reflects landscaping will be provided within the proposed park at the far northeastern portion of the site. This includes landscaping in various configurations surrounding the playground area and as screening from the walkways and gathering areas.

- **Elevations/Floor Plan**

The elevations depict a 43-story high-rise mixed-use development with ground level commercial spaces and residential spaces above that is designed to meet the Title 19.04

SDR-25773 - Staff Report Page Fourteen
January 10, 2008 - Planning Commission Meeting

requirements for a Mixed-Use development . The building uses metal awnings at the pedestrian level and fenestration, both textural and color, to breaking up the massing of the building. Further, at the amenity level (eighth floor) the building massing breaks into stratified layers which use balconies and complimentary color schemes to provide additional architectural character and definition. Metal mesh is used to screen the openings at the parking levels. The use of expression lines and the difference in massing, going from a solid base to differentiated building blocks visually separates the commercial and parking level portion of the building from the residential. Materials used include smooth finish and painted concrete, low glazing glass, metal awnings and glass guardrails. No stepback is provided from Sahara Avenue. A Variance (VAR-25778), if approved, would grant relief from the city standards that require a one foot stepback for each additional one foot of height above 35 feet where adjacent to a collector street or larger.

The floor plans show that there will be a mix of residential units in the building but no unit layouts were provided as a part of this review. The residential community pools and clubhouse will be on a eighth floor deck that will be centered between and above the two main entrance drives.

This site development plan review has been submitted in conjunction with a Rezoning (ZON-25776) to change the northern portion of the project site to a C-1 (Limited Commercial) zoning district, a Variance (VAR-25778) to allow a deviation of the 1:1 stepback requirement above 35 feet where adjacent to a collector street or larger, a Special Use Permit (SUP-25775) to allow a building height of 500 feet in the A-O (Airport Overlay) District and a Special Use Permit (SUP-25779) to allow a mixed-use development with residential uses in the proposed C-1 (Limited Commercial) zoning district.

The proposed Site Development Plan Review is in conformance with the site's General Plan designation and is appropriate for the proposed zoning district. However, due to scope and scale of the proposed development the project is incompatible with the surrounding present and future area development and the building's height is in conflict with the neighborhood plan for the area; therefore, staff is recommending denial of this site development plan review request.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

SDR-25773 - Staff Report Page Fifteen
January 10, 2008 - Planning Commission Meeting

The proposed mixed-use building is not compatible with adjacent development and development in the area as it requires multiple unsupported waivers and a Variance (VAR-25778) that indicate the development is too intense for this location.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

This development is not consistent with the General Plan, Title 19, or the Beverly/Southridge Neighborhood Plan. The development specifically goes against the neighborhood plan which calls for high-rise projects within 300 feet of a single family residence to meet the Residential Adjacency Standards. Further, the proposed development is not consistent with Goal 2 of the General Plan as it relates to mature neighborhoods being sustained and improved through appropriate and selective high quality redevelopment and preservation.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

South 6th Street, a 60-foot local street, will be the principal vehicular access point for the development with additional access via a service drive off of East Sahara Avenue, a 150-foot primary arterial street. Further, the frontage along East Sahara Avenue will be used by pedestrians patronizing the ground-floor commercial businesses and has access to public transportation, which may assist in reducing the number of vehicle trips generated by the development. The scope of this project and the added traffic on South 6th Street will likely result in a negative impact on adjacent roadways and neighborhood traffic. Mitigation measures suggested by the required Traffic Impact Analysis may reduce these negative impacts.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The proposed building and landscape materials are appropriate for the area and the City.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The proposed building will provide a new aesthetically pleasing mixed-use building to the area that will offer commercial opportunities as well as provide additional urban residential housing that will not be harmonious and compatible with development in the area due to the scope and scale of the proposed development.

SDR-25773 - Staff Report Page Sixteen
January 10, 2008 - Planning Commission Meeting

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed plan will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction of the building as well routine business license inspections for the tenant commercial spaces.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 323

APPROVALS 2

PROTESTS 0